

REMARKS

Claims 1, 2, 4, 7-9, 30-32 and 34 are pending in this application and are currently rejected. Reconsideration and allowance of the rejected claims are respectfully requested in view of the following remarks.

Rejections Under 35 U.S.C. § 103

The Examiner has now rejected all of the pending claims 1, 2, 4, 7-9, 30-32 and 34 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,108,276 (Schutz et al.) in view of U.S. Patent No. 6,576,837 (Pimentel), and further in view of U.S. Patent No. 6,325,408 (Ford). Claims 8 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of U.S. 2004/0239080 (Berrahou et al.). For the following reasons, these rejections are respectfully traversed.

Response

In the rejection of claims 1, 2, 4, 7-9, 30-32 and 34 under § 103(a), the Examiner maintains that Schutz et al. (hereinafter "Schutz") disclose a bracket for an airbag subassembly having all of the recited structure including retention members 12 which extend into the inflator opening, are stamped from the material removed to make the inflator opening, and then are bent perpendicular to the base. The Examiner acknowledges that Schutz does not teach the retention members being curled and having a retention opening which penetrates curled inner and outer surfaces and communicates with a cavity extending from the base and created by the retention

members, and a first engagement surface and a second engagement surface defined by side edges of the retention opening.

The Examiner maintains that Pimentel teaches a bracket comprising a base 64; an opening positioned in an internal portion in said base; and a plurality of retention members 74 that extend from said base into the opening, the retention members 74 being perpendicular to the base 64, wherein the retention members 74 are curled in shape to form a surface defining cavity extending perpendicular to the base. The Examiner indicates that although the bracket of Pimentel is not for an airbag subassembly, he maintains that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus if the prior apparatus teaches all the structural limitations of the claim. Accordingly, the Examiner maintains that it would have been obvious to one of ordinary skill in the art to modify the bracket of Schutz with the teaching of Pimentel's curled retention members to more easily accommodate the cylindrical shape of an inflator.

The Examiner further maintains that Ford teaches a retention member 14 for a bracket 13 for a steering wheel airbag subassembly to 220, wherein the retention member is curved in shape, and wherein the curved surface of the retention member 14 comprises a retention opening 32 for holding the retention member 14 in place which penetrates deeply into the curved outer surface of the retention member, and a first engagement surface (the upper edge of 32) and a second engagement surface (the lower edge of 32) defined by side edges of the retention opening 32. The Examiner concludes that it would have been obvious to one of ordinary skill in the art to

modify the bracket of Schutz and Pimentel with the teaching of Ford's retention opening to more securely lock the retention member in place.

For the following reasons, Applicants respectfully disagree with the Examiner's position and analysis.

First, Applicants strongly disagree with Examiner's statement that Applicants are merely claiming an intended use of the bracket for an airbag subassembly, thereby making it proper for the Examiner to rely on the bracket of the Pimentel to modify Schutz. Rather, as was pointed out in the previous Amendment, all of the independent claims positively recite the airbag subassembly structure such that they are not claiming merely an intended use as alleged by the Examiner. In contrast, Pimentel quite clearly relates to an outlet box cover with mounting clips and has nothing whatsoever to do with a bracket in combination with an airbag subassembly. Clearly, one of ordinary skill in the art would not consult the outlet box cover of Pimentel, which is mounted on a wall and therefore static, to somehow modify an airbag sub-assembly which will be subjected to various dynamic forces while in use.

Secondly, even if the Applicants were not positively reciting the airbag subassembly in combination with the bracket, the quoted portion of MPEP §2114 relied upon by the Examiner is premised on the fact that the "prior art apparatus teaches all the structural limitations of the claim." In this case, the Examiner relies on no less than three references combined together in an attempt to meet all the recitations of the rejected claims. Pimentel does not teach all the structural

limitations of the independent claims, whether taken alone or in combination with the remaining references.

Thirdly, even if Schultz, as modified by Pimentel, is further modified by Ford, Ford still fails to make up for the deficiencies of the alleged combination of references in that Ford does not teach or suggest a retention opening which penetrates said curled inner surface and said curled outer surface and communicates with a cavity extending from the base, as alleged by the Examiner. In particular, Ford discloses that each engagement member 14 extends from a housing portion 13 of a module 12 and is preferably a cylindrical post having opposing grooves 32. Ford further discloses that a single annular groove encircling the post (and thus cannot possibly pass entirely through the member 14) can also be used. Based on that disclosure and Figure 1c, it is quite clear that Ford's opposing grooves 32 are simply recesses in the surface of the engagement member 14 and are not openings which penetrate the engagement member 14 so as to communicate with a cavity inside the cylindrical post.

With respect to dependent claims 8 and 9, these claims are patentably distinct for the reasons given above with respect to claim 1, as well as being separately patentable based on the recitations set forth therein. More specifically, clearly none of the references, whether taken alone or in combination, teaches or suggests retention members that are curled in shape to form a surface defining a cavity, wherein the surface includes a first leg 100 and a second leg 102, with the second leg being angled relative to the first leg, as best shown in Figure 5A (see claim 8), nor

the retention opening 80 having its first and second engagement surfaces being defined within the first and second legs, respectively (see claim 9).

Berrahou et al. clearly is not even remotely close as he clearly fails to teach or suggest a second leg being angled relative to a first leg in a retention member which is curled in shape, as is readily apparent from Figures 4-6. Thus, further modifying Schutz, as modified, with the still further teachings of Berrahou et al. fails to teach or suggest the present invention as recited in claims 8 and 9.

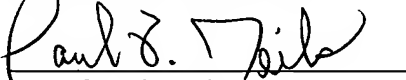
If the Examiner believes that there is any issue which could be resolved by a telephone or personal interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Request for Reconsideration Under 37 CFR § 1.116
U.S. Application No.: 10/801,977

Atty Dkt No.: 45039.0028
Customer Number 57362

Applicants hereby petition for any extension of time which may be required to maintain the pendency of this case, and any required fee for such an extension is to be charged to Deposit Account No. 50-0951.

Respectfully submitted,



Jean C. Edwards

Registration No. 41,728

Paul F. Neils

Registration No. 33,102

(57362)

AKERMAN SENTERFITT

8100 Boone Boulevard

Suite 700

Vienna, VA 22182-2683

Telephone: 703-394-1380

Facsimile: 703-394-1399

Date: February 19, 2009